

Message Text

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ACTION DLOS-09

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C O N F I D E N T I A L WARSAW 6857

E.O. 11652: GDS
TAGS: PLOS PL
SUBJECT: LOS : RESUMED SEVENTH SESSION AND THE CONTINETAL SHELF

REF : STATE 188840

1. THE POLITICAL COUNSELOR CALLED UPON JAN WITEK,
DIRECTOR OF THE MFA'S LEGAL AND TREATIES DEPARTMENT
AUGUST 8 AND DELIVERED AN ORAL DEMARCHE ENCOMPASSING
THE CONTENTS OF PARA 2 REFTEL. (THIS WAS OUR EARLIEST
OPPORTUNITY TO DELIVER THE DEMARCHE INASMUCH AS
WITEK, WHO, ACCORDING TO THE MFA, WAS THE ONLY
APPROPRIATE OFFICIAL TO RECEIVE IT, HAD BEEN OUT
OF TOWN.)

2. WITEK LISTENED TO THE EMBASSY OFFICER'S PRESENTATION,
TOOK A FEW NOTES, AND THEN WITHOUT HESITATION CONVEYED
THE FOLLOWING POINTS AS AN "INITIAL REACTION":

(A) THE POSITIONS OF POLAND AND THE US REGARDING
THE CONTINENTAL MARGIN, DEFINITION, AND DELIMITATION
DIFFER SO GREATLY THAT IT IS HARD TO SEE HOW A MUTUALLY
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ACCEPTABLE RESULT CAN BE REACHED ON THESE POINTS.

(B) THE GOP HAS CONSISTENTLY PROMOTED A
200-MILE JURISDICTION FOR COASTAL STATES WITH NOTHING
BEYOND THAT LIMIT.

(C) THE GOP HAS TRIED TO BE FLEXIBLE ON THESE

QUESTIONS, BUT ON THE BASIS THAT ANY COMPROMISE
FORMULA WOULD ASSURE ACCESS TO SURPLUS LIVING RESOURCES
WITHIN THE ECONOMIC ZONE.

(D) ON THIS POINT, HOWEVER, THE GOP MUST OBSERVE
WITH REGRET THAT IN FOUR YEARS OF NEGOTIATIONS
NOTHING HAS BEEN DONE TO MEET THE INTERESTS OF
TRADITIONAL LONG-DISTANCE FISHING COUNTRIES. NOT
EVEN A MINIMUM ACCOMMODATION HAS BEEN ATTEMPTED,
AND VITAL POLISH INTERESTS IN THIS CONNECTION HAVE
BEEN COMPLETELY DISREGARDED.

(E) THE GOP, THEREFORE, SEES NO JUSTIFICATION
FOR SHOWING FLEXIBILITY ON OTHER ISSUES. IN ANY
EVENT, IT WOULD BE VERY HARD TO FORESEE THAT WHATEVER
FLEXIBILITY THE GOP WERE ABLE TO ADOPT WOULD EXTEND
AS FAR AS THE IRISH FORMULA FOR DEFINING THE CONTINENTAL
MARGIN BEYOND 200 MILES. THE GOP DOES NOT AGREE THAT
THE IRISH FORMULA IS SCIENTIFICALLY SOUND, LEGALLY
CORRECT AND POLITICALLY REALISTIC. RATHER, IT IS
AN EXTREMIST FORMULA, AND THE GOP DOES NOT CONSIDER
IT THE ONLY BASIS FOR CONSENSUS. IN FACT, IT IS
HARD TO SEE HOW IT COULD BE USED TO ACHIEVE A CONSENSUS.

(F) THE POLISH DELEGATION TO THE LOS CONFERENCE
HAS NOT BEEN IN FAVOR OF OPENING NEW ISSUES, INCLUDING
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THE CONTINENTAL SHELF PROBLEM, BEFORE SATISFACTORY
ACCOMMODATION OF THE INTERESTS OF GEOGRAPHICALLY
DISADVANTAGED, LONG RANGE FISHING COUNTRIES HAS
BEEN ACHIEVED.

(G) THE GOP POSITION REMAINS CONSISTENT,
FAVORING A STEP-BY-STEP ACCOMMODATION AND NOT WISHING
TO JUMP OVER AS YET UNRESOLVED ISSUES TO TAKE UP
NEW ONES. THE LATTER APPROACH COULD BE HARMFUL TO
THW WORK PROGRAM OF THE RESUMED SEVENTH SESSION.

(H) THE POLISH DELEGATION WOULD LIKE TO
APPEAL AGAIN TO THE US DELEGATION TO PROPOSE SOME
FORMULATION TO ACCOMMODATE THE INTERESTS OF DEVELOPED
LONG-DISTANCE FISHING COUNTRIES WHICH ARE MEMBERS
OF INTERNATIONAL FISHING ORGANIZATIONS AND HAVE
CONTRIBUTED TO SCIENTIFIC RESEARCH ON THE MANAGEMENT
AND MAINTENANCE OF FISH STOCKS. RESOLUTION OF THIS
PROBLEM COULD HAVE A SUBSTANTIAL POSITIVE EFFECT
ON RESOLVING OTHER OUTSTANDING ISSUES AT THE CONFERENCE.

3. WITEK CONCLUDED WITH A FEW INFORMAL REMARKS. HE

SAID HE WOULD NOT GO INTO THE DETAILS OF THE US POSITION ON THE CONTINENTAL SHELF QUESTION, AS READ OUT BY THE EMBASSY OFFICER. THE GOP, HE SAID, WHOSE POSITION DIFFERED FUNDAMENTALLY, SAW NO REASON "AT THIS STAGE" TO BE MORE FLEXIBLE THAN THE COASTAL STATES WHICH OVER THE PAST FOUR YEARS, HAVE REJECTED THE MOST MODEST EXPECTATIONS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, INCLUDING SOME LONG DISTANCE FISHING COUNTRIES. (WITEK OBSERVED THAT, PARTICULARLY SPEAKING, POLAND, THE GDR AND BULGARIA ARE THE ONLY COUNTRIES THAT ARE BTOH GDS AND LDF). HE SAID POLAND WAS OPPOSED NOT ONLY TO THE IRISH FORMULA ON CONTINENTAL SHELF DEFINITION BUT ALSO TO THE STRAIGHT DISTANCE CRITERION (WHICH HE NOTED, HAD BEEN PROPOSED
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BY THE USSR).

4. PROCEDURALLY, WITEK SAID, THE POLISH DELEGATION EXPECTED THAT THE US DELEGATION WOULD, AS BEFORE, TRY TO PROMOTE CONSENSUS ON ISSUES REMAINING UNRESOLVED BEFORE OPENING UP NEW ONES. THE POLISH DELEGATION ALSO WAS CONFIDENT OF CONTINUING THE PREVIOUS GOOD WORKING CONTACTS WITH THE US DELEGATION IN MUTUAL EFFORTS TOWARD CONSENSUS. WITEK ADDED A NOTE OF PERSONAL APPRECIATION FOR THE GOOD CONTACTS HE HAD WITH US PARTICIPANTS IN LAST WEEK'S INFORMAL MEETINGS IN DELHI ON SEABED MINING. HE REMARKED JOKINGLY THAT THE COOPERATION THERE HAD BEEN SO GOOD THAT HE KNEW EXACTLY WHY THE EMBASSY OFFICER HAD ASKED TO SEEM HIM UPON HIS RETURN. (COMMENT: WE SEE NO REASON TO DOUBT THIS, JUDGING FROM HIS STATE OF PREPARATION FOR THE EMBASSY OFFICER'S PRESENTATION.)

5. IN RESPONSE TO THE EMBASSY OFFICER'S QUESTION, WITEK SAID IT REMAINED UNCERTAIN WHETHER HE WOULD BE A MEMBER OF THE POLISH DELEGATION TO THE RESUMED SEVENTH SESSION. HE DECLINED TO NAME ANY OTHERS ON THE DELEGATION, SAYING ITS COMPOSITION WAS STILL LARGELY UNDECIDED. (JANUSZ SYMONIDES, PISM, WHO HAS ATTENDED PREVIOUS SESSIONS, TOLD ANOTHER EMBASSY OFFICER THAT HE WOULD PROBABLY ATTEND THE NEXT SESSION.)
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